

Appl. No. : 09/804,480
Filed : 12 March 2001

REMARKS

Amendments to the Claims

Claims 1-5 and 7-8 remain pending in the application.

Summary of the Interview

Applicants thank the Examiner for the telephonic interview of 12 April 2007, wherein the pending claims were discussed in light of the rejections raised in the Office Action of December 29, 2006 and discussed below. In particular, Applicants and Examiner Pak discussed the portions of the specification which enabled Claim 1. Applicants also discussed the provisional double patenting rejection.

Rejections under § 112 ¶ 1

The Examiner rejected Claims 1-5 and 7-8 under 35 U.S.C. § 112 ¶ 1 as being unpatentable. The Examiner stated that “because the specification [of the present application] while being enabling for a method claimed where the field strength is 0.2% of the mean, does not reasonably provide enablement for a method claimed where the field strength is greater than 0.2% of the mean. . . . the specification teaches that electric field strength greater than 0.2% of the mean is enabled, whereas the electric field of 10% of the mean is not acceptable.” More specifically, the Examiner states that “the specification [of the instant application] teaches that the electric field strength greater than 0.2% is enabled (page 97 of the specification) whereas the electric field of 10% of the mean is not acceptable (page 96, line 10 of the specification).”

Applicants agree the specification teaches that producing a variation in electric field greater than 10% from a mean intensity (in particular where the standard deviation of the field strength is 15% of the mean in the total area of observation as illustrated on page 96 of the specification) is not advantageous. Nevertheless, the specification enables a “producing a limited spatial variation in intensity in [an] electric field in [an] area of observation of within $\pm 10\%$ from a mean intensity in that area.” (emphasis added) See, e.g., Example 1 page 95 (“the electric field remains within $\pm 10\%$ of the mean field in the area of observation[, which] geometry satisfies the stated requirements for field uniformity for use in the present invention”), Example 3 pages 96-97 (“the electric field remains within $\pm 1\%$ of the mean field in the area of observation[, which] geometry greatly improves

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the field uniformity”), Example 4 page 97 (“the electric field remains within $\pm 1\%$ of the mean field in the area of observation[, which] geometry greatly improves the field uniformity”), Example 5 page 98 (“the difference between the maximum and minimum fields is 1.2% of the mean[, which] geometry greatly improves the field uniformity”) and Figures 7A, 8A, 8B and 8C. Applicants thus submit that Claim 1 is enabled by the disclosure provided in the specification and request withdrawal of the Examiner’s rejection of Claim 1 (and the claims that depend therefrom) for lack of enablement.

Provisional Double Patenting Rejections

The Examiner has provisionally rejected Claims 1-5 and 7-8 on the ground of nonstatutory obviousness-type double patenting in light of Claims 1-11 of co-pending application no. 11/443,721. Applicants note that the cited application has not issued as a patent. As the §112 rejection is addressed above, the Applicant requests the provisional double patenting rejection to be withdrawn as well, in accordance with M.P.E.P. 804(I)(B).

CONCLUSION

The Applicants have endeavored to address all of the Examiner’s concerns as expressed in the outstanding Office Action and also to reiterate the arguments presented during the telephonic interview of April 12, 2007. Accordingly, arguments in support of the patentability of the pending claim set are presented above. In light of these remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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